

ORDINANCE NO. 21- 034

AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, AMENDING THE CODE OF THE CITY OF GALVESTON, CHAPTER 20, "LITTER", BY ADDING REGULATIONS PROHIBITING THE INTENTIONAL, OPEN RELEASE OF BALLOONS INTO THE ATMOSPHERE, INCLUDING LATEX, AND MYLAR BALLOONS; PROVIDING A PENALTY CLAUSE; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Galveston, Texas is located on a barrier island which serves as a habitat for several marine and bird species; and,

WHEREAS, Galveston Island is a breeding ground for several endangered species of sea turtles, including the Kemp Ridley turtle; and,

WHEREAS, discarded balloons are a hazard to wildlife and the environment and pollute the marine and coastal environments. In addition, balloons are often mistaken for food by marine and other wildlife causing disastrous effects on marine and animal systems; and,

WHEREAS, the material of balloons are often stuck in trees, shrubs, and can clog drainage systems. Discarded balloons can last indefinitely and create an aesthetic blight in the community; and,

WHEREAS, the City finds that the release in the atmosphere of balloons inflated with lighter than air gases pose a danger and nuisance to the environment, particularly to wildlife and marine animals; and,

WHEREAS, the City Council deems it in the public's interest to amend "The Code of The City of Galveston 1982, as amended," to provide regulations pertaining to the intentional release of balloons as provided below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GALVESTON, TEXAS:

SECTION 1. The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 2. Chapter 20, "Littering", of "The Code of The City of Galveston 1982, as amended," is amended by adding the following:

Sec. 20-16. Intentional Release of Balloon.

As used in this section, the following terms shall have the meanings respectively ascribed to them.

Balloon – an object made of latex, mylar, or other material which may be inflated with a gas lighter than air.

Release – Failure to maintain possession of a balloon in a manner that prevents it from being let loose on the ground or in the atmosphere and/or is otherwise not secured to an object such that the balloon can be easily retrieved and properly disposed of.

(a) Violation.

It is unlawful for any person to intentionally release or intentionally cause to be release in the atmosphere one or more balloons inflated with lighter than air gases.

(b) Exceptions.

- a. Balloons released by a person on behalf of a governmental agency or pursuant to a governmental contract for scientific or meteorological purposes;
- b. Balloons released for scientific or meteorological purposes by an institution of higher education conducting research;
- c. Hot air balloons that are recovered after launching;
- d. Balloons released indoors. Those who release a balloon or balloons inside shall ensure that the balloon or balloons do not escape to the outside.

(c) Penalty.

- a. A violation of this provision shall be a Class C Misdemeanor punishable by a fine up to \$200.00. Each act of releasing a balloon in violation shall constitute a separate offense. Each day a violation continues shall constitute a separate offense.

SECTION 3. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

SECTION 4. All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

SECTION 5. All Ordinances of general and permanent nature, and amendments to such Ordinances, hereinafter adopted by the City Council, shall be drafted, so far as possible, as specific amendments of, or additions to, this Code. Amendments to this Code are intended for publication to the Galveston City Code. The Codifier is authorized

pursuant to the Galveston City Code to make non-substantive changes to the Ordinance prior to publishing.

SECTION 6. In accordance with the provisions of Sections 12 and 13 of Article II of the City Charter this Ordinance has been publicly available in the office of the City Secretary for not less than 72 hours prior to its adoption; that this Ordinance may be read and published by descriptive caption only.

SECTION 7. This Ordinance shall be and become effective from and after its adoption and publication in accordance with the provisions of the Charter of the City of Galveston.

APPROVED AS TO FORM:

DocuSigned by:

Donna Fairweather

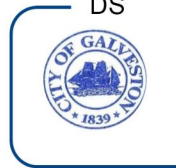
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DONNA M. FAIRWEATHER
ASSISTANT CITY ATTORNEY

I, Janelle Williams, Secretary of the City Council of the City of Galveston, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the City Council of the City of Galveston at its Regular meeting held on August 12, 2021, as the same appears in records of this office.

IN TESTIMONY WHEREOF, I subscribe my name hereto officially under the corporate seal of the City of Galveston this 13th day of August, 2021.

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DocuSigned by:

Janelle Williams

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Secretary for the City Council
Of the City of Galveston